CONSULTATION PAPER

ON

PERMITTED DEVELOPMENT RIGHTS

FOR

TELECOMMUNICATIONS CODE SYSTEM OPERATORS

DEPARTMENT OF THE ENVIRONMENT

WELSH OFFICE

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1. PURPOSE

This consultation paper invites comments on proposals to revise the permitted development rights (PDRs) for telecommunications code system operators. These are currently set out in Part 24 of Schedule 2 to the Town and Country Planning General Development Order 1988 (the GDO). They are outlined in section 4 below and reproduced in Annex 1.

PDRs are general permissions given in advance for certain defined classes of development, which remove the need to apply for specific planning permission for individual development proposals. In broad terms, PDRs are given to types of development which are expected to have a small environmental impact where such an impact would normally be acceptable in planning terms.

It is important to distinguish these PDRs from those for satellite television antennas (in Class H, Part 1 and in Part 25 of Schedule 2 to the GDO).

These proposals for revision seek to strike an appropriate balance, in the light of experience and the recent growth of the technology and the industry, between the needs of operators and the impact of telecommunication developments on the environment.

Responses to this consultation paper should be addressed to Mr J. Aldworth, Room C13/18, Department of the Environment, 2 Marsham St., London SW1 P 3EB, to reach him by 1 November 1991, and should be structured to reflect the separate proposals set out in Section 7(a)-(j).

2. BACKGROUND

The present PDRs were introduced primarily to facilitate the development of telecommunications systems; these systems were being developed by British Telecommunications and Mercury Communications Ltd in accordance with the licences which were granted by the Secretary of State for Trade and Industry under Section 7 of the Telecommunications Act 1984. Such a licence authorises an organisation to install and operate telecommunication systems, and this necessarily involves the positioning of various types of equipment above ground. The GDO differentiates those installations which may proceed freely from those which require a local authority approval.

Since 1984 there have been many changes in the telecommunications industry; licences have been granted to a significant number of additional telecommunications operators, and these take account of the increasingly varied means of delivering signals to the customer. These include:

- **Fixed Link** - British Telecommunications, Mercury Communications Ltd, Kingston Communications (Hull) plc
- **Cellular** - Racal Vodafone Ltd, Telecom Securicor Cellular Radio Ltd (Cellnet)
- **Personal Communications Network (PCN)** - Mercury Personal Communications Network Ltd, Microtel Communications Ltd, Unitel Ltd
- **Local Cable Networks** - over 100 individual companies, each of which has a licence in respect of its own designated franchise area.

Other companies also hold, or expect to obtain, Telecommunications Act licences which give them code powers. For example the water companies have licences to facilitate the carrying out of their functions. The Broadcasting Act 1990 introduced the concept of "local delivery operators", some of whom are likely to need code powers in order to install their systems. The Government published a White Paper "Competition and Choice: Telecommunications Policy for the 1990s" on 5 March 1991; this is expected to mean a further increase in the number of UK telecommunications operators.

System characteristics

The main characteristics of the different systems are as follows:

Fixed-link

This system operates through:

(i) cable connections, using copper wire (the traditional telephone system) or optical fibre,

(ii) line-of-sight terrestrial radio signals transmitted in a narrow beam from a tower to a receiving antenna, or

(iii) satellite transmission using a larger dish antenna often mounted on a subscriber's premises.

The terrestrial radio signal beams must be free from obstruction, such as hills, buildings, trees or passing objects. To cover long distances, or to circumvent obstacles, a chain of sites is required. Intermediate installations require at least two antennas, one to receive, and the other to relay the signal; other antennas may be required for additional capacity or for fall-back use.

The antennas used for receiving signals via satellite should not be confused with satellite television antennas since they perform a quite different function.

For the most part the BT network uses underground distribution, though overhead lines are often used for the final links to individual customers. The network also includes terrestrial radio antennas to link customer premises into their national network.

The Mercury network uses fixed radio links and cable technology (particularly optical fibre). A significant part of the trunk network of radio base stations is now in place. A station usually consists of a small building to run the system and a tower of up to 60 metres in height supporting the number of dishes felt necessary to meet demand, the maximum on one tower being 70 or 80.

Other operators using fixed-link telecommunications systems include both PCN operators to interconnect their cells and also some of those that are licenced to install local broadband cable systems. The latter supply subscribers in franchise areas with a multi-channel service of national and local television material, films, information, inter-active data and voice telephony. The individual operators' licences are varied according to local conditions.

Cellular

Cellular systems cater for mobile telephone users, mainly in vehicles but including pedestrians, and cover over 90% of the country. The system is based on a network of base stations, each with a limited coverage area (cell). Adjoining base stations with directional radio antennas use different sets of frequencies to avoid mutual interference; a base station beyond the adjoining one can use the same frequency as the first station as they would be too far apart for the frequencies to interfere. As subscribers move from cell to cell, calls in progress are automatically switched to the relevant antennas in the adjoining cell to which the subscriber moves. Continuous unbroken communication is therefore maintained.

The systems are demand-led; they can grow to accommodate customer requirements. As a result the greatest need for base station sites is likely to be within built-up areas and within a mile or two of the main trunk roads. The size of each cell is determined by the number of subscribers expected to require access to the system during the peak usage period.

The location of transmitter aerials is important as signals from one cell cannot be allowed to spill over into another cell with the same frequency. Blind spots from buildings and hills have to be avoided, so antennas are usually placed high up. Generally in urban areas antennas can be placed on existing buildings.

Cellular operators use both small dish antennas (0.3 metres in diameter) and 3 metre poles. There are some 1500 base stations and a further 200 per year are planned for the next few years as the operators roll-out new networks based on the pan-European GSM standard which will enable subscribers to use their handsets throughout Western Europe.

Personal Communications Network (PCN)

This system reflects the latest developments of personal mobile telecommunications. At present the network infrastructure is being developed with system launch being planned for 1992. The operators' intention is that PCN will offer users two-way radio communications for both voice and data from small, light handsets. Users will carry them around in a pocket and will make or receive calls from more or less wherever they are and whenever they want.

The PCN system is based on a network of base stations that are linked to each other and uses a relatively low-powered radio signal at 1800 MHz. The system works on the principle of re-using the same radio frequencies which can increase the simultaneous usage of the system considerably while offering radio reception quality at the same time. The network will track mobile users through a central switching centre as they travel between cells which are the coverage areas of each base station. The call will be transferred from one cell to another without interruption. To do this the network's "intelligence" will know where each handset is at any time.

PCN uses different types of antenna and equipment. The base station antenna, which both receives and transmits signals, can either be omni-directional or sectorised, and not therefore point-to-point. It is possible that, in the future, subject to agreement from the DTI, the same PCN antenna could serve fixed as well as mobile customers by offering an exchange line to a building (ie point-to-point).

Unitel and Mercury PCN have recently announced an agreement under which they will build a common physical network but with separate and competing services. Microtel will continue to build a separate network, although the operators' licences allow all three operators to share their infrastructure in rural areas. Altogether the PCN operators are likely to be installing around 2000 base stations over the next 5 years. The PCN antennas are approximately 1 metre in height and number 3 to 6 per site.

3. CODE OBLIGATIONS

Telecommunications licences give to these organisations "code powers" and they are called "code system operators". Code powers are discretionary and are only granted where there is a demonstrable need. They are subject to public consultation, and take account of the particular services to be provided, such as telephony, mobile communications, data communications and the relay of TV and radio programmes.

These essential powers are balanced by conditions in the licences which require that the holders run a system of sufficient quality and with sufficient capacity to meet reasonable demands.

The licences issued to public telecommunications operators under the Telecommunications Act 1984 already place certain obligations for the protection of the environment on code system operators. These include, for example -

- restrictions in conservation areas, National Parks, areas of outstanding natural beauty, the Broads, Sites of Special Scientific Interest, listed buildings and archeological sites; in such cases a process of consultation is formally required

- restrictions on overhead wires and poles.

As indicated earlier, code system operator licences are granted only after a statutory process of consultation on the terms and conditions to be imposed by the licence in order to protect the physical environment. (See Annex 2 for a summary of the key licence requirements, and Annex 3 for a summary of the telecommunications code).

4. PRESENT PERMITTED DEVELOPMENT RIGHTS FOR TELECOMMUNICATIONS APPARATUS

In many cases the installation, alteration or replacement of the various kinds of apparatus used in telecommunications is "permitted development" under the terms of the GDO. Planning applications are not normally required for any development which falls within the limits as set out in the GDO. A planning application will, however, be required if a Direction has been made by the local planning authority under Article 4 of the GDO to withdraw the permitted development right and, where necessary, has been confirmed by the Secretary of State. Article 4 Directions should be specific and should be used where there is a real and specific threat to the locality in which a development is to take place.

Developments by telecommunications code operators are covered in Part 24 of Schedule 2 to the GDO (see Annex 1). This covers the installation, alteration or replacement of apparatus on land controlled by code system operators or in accordance with their licence. It also covers the use of land in an emergency.

Part 24 covers "telecommunications apparatus" as defined in Schedule 2 to the Telecommunications Act 1984. It does not cover the erection or alteration of buildings for telecommunications purposes.

All types of apparatus required for the code system operators' telecommunications system may be installed, altered or replaced in, on, over or under land, buildings or other structures, subject to a number of limits and conditions. Generally speaking a planning application is required if:

(a) the apparatus (e.g. a radio mast) is to be sited on the ground and will be higher than 15 metres above the ground or will be higher than any apparatus it replaces above that limit

(b) the apparatus is to be sited on a building (or other structure), and -

(i) is itself -

- over 15 metres in height if the building is 30 metres or more in height

- over 10 metres in height if the building is less than 30 metres in height

(ii) or will add to the overall maximum height of that building by more than -

- 10 metres, for buildings of 30 metres or more in height

- 8 metres, for buildings between 15 and 30 metres in height

- 6 metres, for buildings of 15 metres or less in height

(c) the base area of the apparatus exceeds 1.5 square metres, except for masts, antennas, public call boxes or apparatus completely below ground level

(d) the apparatus is a microwave antenna and it is to be installed on a building under 15 metres in height or any dimension of the antenna exceeds 1.3 metres or there are already 2 antennas on the building on which it is to be installed

(e) the apparatus is a microwave antenna and is to be installed on designated land (i.e. conservation areas, National Parks, areas of outstanding natural beauty, the Broads), other than in an emergency.

There is also a condition that development is permitted only if the antenna is sited so as to minimise its effect on the external appearance of the building.

5. GOVERNMENT POLICY

The broad thrust of the Government's policy on telecommunications and its reflection in planning decisions remains as in paragraph 5 of PPG 8. But in view of the rapid pace of change in both the industry and the technology, it is necessary to keep under review which developments require a planning application and which can be allowed to proceed as permitted development. In setting the boundaries between full planning control and permitted development, the aim should be to facilitate the growth of telecommunications while, at the same time, protecting the environment from serious damage.

6. REASONS FOR CHANGING THE ORDER

The present provisions in Part 24 of the GDO have proved complicated to operate and understand; they have also thrown up anomalies, both within themselves and with other regimes, for example, the powers of certain statutory undertakers. These provisions have not developed with the growth of the industry beyond the original two fixed link operators and have often constrained network development. Yet businesses and public authorities have found the need to change their telecommunications requirements with ever increasing frequency. Organisations now face increasingly complex technological and economic challenges and good telecommunications help to make them more efficient and competitive; unnecessary constraints or delays in granting planning permission may reduce the speed and quality with which a telecommunications service can be provided, may significantly impede the normal forces of competition or may increase the costs of the service.

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7. PROPOSED CHANGES TO PERMITTED DEVELOPMENT RIGHTS FOR CODE SYSTEM OPERATORS

For the purposes of this consultation, it is important to be clear about the meaning of the terms "apparatus", "antenna" and "structure". Telecommunications apparatus means any apparatus falling within the definition of that term in Paragraph 1 of Schedule 2 to the Telecommunications Act 1984 and includes lines, cables, radio masts, radio towers, poles, tubes, dishes, etc.; antenna means any equipment, (eg dish, combined antenna/equipment unit, pole, tube, etc.), used for the reception or transmission of radio waves; structure means any apparatus used for the support of an antenna. Structure does not include a building; it does include a water-tower, grain silo, etc.; radio masts and radio towers are dedicated structures.

The Government proposes to amend the GDO as follows:

(a) Use of the term "microwave"

Some code system operators use a radio band below 1000 MHz; this level defines the lower threshold of microwave in the GDO. These operators are not therefore necessarily operating with microwave antenna. It could therefore be argued that the current limitations that refer to microwave antenna do not apply to these operators.

The Government proposes not to use the term "microwave" in the limitations contained in paragraphs A.1.(f) and (g). This would mean that those limitations apply to all antennas used by code system operators.

(b) Permitted development rights for towers

It is not clear whether or not the term "mast" (paragraph A.1.(e)(i)) includes a radio tower. The Government's intention has always been to treat these similarly and that the PDRs for radio masts and towers should be aligned.

The Government therefore proposes that the installation or replacement of a radio tower would be permitted in the same way as a mast, although the permission would still be subject to other limitations.

The Government proposes no further amendments to paragraph A.1.(e).

(c) Antennas on buildings or structures below 15 metres

The installation of microwave antennas is not permitted development on buildings or structures that are below 15 metres in height (paragraph A.1.(f)(i)). This creates an anomaly with PDRs for satellite dishes contained in other parts of the GDO and in some circumstances can force the apparatus into more obtrusive positions. Antennas can be placed below 15 metres on buildings that are more than 15 metres in height. There is a permitted development right for the installation of a radio mast of, for example, 14 metres in height (paragraph A.1.(a)) but a planning application would be required for the installation of any antennas on such a mast. The present restrictions could encourage certain operators to dig up the street to lay a cable to a nearby building that is over 15 metres in height, merely in order to avoid the process of applying for planning permission for a dish on a building that is below 15 metres in height.

The Government therefore proposes to permit, except on listed buildings, scheduled ancient monuments, and land designated under Article 1(5) of the GDO, the installation of antennas on buildings or structures that are below 15 metres and are not dwelling houses, provided that:

(i) they are not installed on walls or roofslopes that face a highway that is within 50 metres of the building,

(ii) in the case of dish antennas, the sum of the frontal surface areas of the antenna dishes does not exceed 1 square metre and the frontal surface area of any one antenna dish does not exceed 0.5 square metres, and

(iii) in the case of antennas that are not dishes, the development would result in the presence on the building or structure of more than two antenna systems; an antenna system is a cluster of antennas operated by a single operator for a single system.

The height of the building means the distance between the ground and the highest part of the roof; no account is to be taken of lift rooms, air conditioning units and similar ancillary structures on the roof of the building in determining the highest part of the roof.

The Government does not propose to amend paragraphs A.1.(c) or A.1.(d).

(d) Antennas on buildings or structures above 15 metres

The PDR for up to 2 antennas of up to 1.3 metres in any dimension on a building or structure of 15 metres or more in height (paragraph A.1.(f)) constrains the use of new kinds of telecommunications technology and systems (eg smaller dishes and pole antennas) and the sharing of structures and buildings by code system operators.

The Government therefore proposes to revise this permission in order to permit the installation, alteration or replacement on a building or structure over 15 metres in height (excluding radio masts or towers) of:

- any number of dish antennas, provided that the sum of the surface areas of the dishes does not exceed 3 square metres and the surface area of any particular dish does not exceed 1.5 square metres, and

- up to 2 antenna systems (excluding dish antennas).

The limitations on dish size would allow, for example, 2 dishes of 1.3 metres in size or 7 dishes of 70 centimetres in size or a range of combinations.

The Government also proposes not to place a limit on the number of antennas that can be placed on a dedicated radio mast or radio tower.

(e) The height of apparatus

Operators would make use of the PDR for the installation of apparatus (e.g. a radio tower) (other than on a building or other structure) of up to 15 metres in height above ground-level (paragraph A.1.(a)) for a relatively small proportion of towers. However, the effects of the PDR may be to limit the flexibility of the operator in siting the tower and to increase the overall number of towers required. Where pole antennas need to extend above the top of a tower, or where radio signals need to be above the roofline of, for example, nearby buildings in an industrial estate or above the tops of nearby trees, the limitations of this height restriction may be significant.

In this context, a non-optimum solution in one area may just create a problem for the neighbouring area; where one radio tower is shorter than it should be, the next radio tower may need to be higher than necessary in order to fulfill line-of-sight requirements. When further capacity is required, the limitations on the size of a radio tower may require the erection of a second tower rather than the more efficient use of the first one. Also, where specific planning permission is required, an application for a tower of, say, 30 metres may be submitted when a tower of only 20 metres may be all that is needed.

The Government therefore proposes to extend the permitted height limit of apparatus from 15 to 20 metres, inclusive of the highest part of any antennas that are supported by the structure.

(f) Radio equipment housing

At present, whereas PDRs exist for the installation, alteration or replacement of antennas or structures in certain circumstances, there is no PDR for the erection of radio equipment housing that the antennas require. This can negate the value of the PDR for the antenna or structure.

The Government therefore proposes to permit the erection of radio equipment housing, provided that -

- it is ancillary to a telecommunications installation, and
- the volume of the housing does not exceed 30 cubic metres, or, if installed on the roof of a building, it does not exceed 5% of the cubic content of that building.

(g) Installations near aerodromes

The present permission does not specifically restrict telecommunications development near an aerodrome. In such circumstances telecommunications apparatus could be a potential hazard.

The Government proposes to remove PDRs for the installation, alteration or replacement of any apparatus exceeding 3 metres in height above the ground within 3 kilometres of the perimeter of an aerodrome.

(h) Prior notification

In many cases it is not the erection of the apparatus itself but matters such as its siting and external appearance that give rise to concern about effects on visual amenity or public safety. The Government therefore proposes that, before a code system operator can make use of the permitted development right in respect of the installation, alteration or replacement of a radio mast, radio tower or public call box, (except for the replacement of the apparatus with something similar), he should give the local planning authority 28 days' notice of his intention to carry out such development. The 28 day period would start from the date the local planning authority issued a receipt in respect of notification. Such notification would attract a fee of, say, £20 per development notified.

Within the 28 day period, the local planning authority could ask for details of the siting and external appearance of the apparatus to be submitted to it for its approval. The development would then have to be carried out in accordance with the approved details. Failure to carry out the development in accordance with such details would constitute a breach of planning control and would make the operator liable to enforcement action. If the authority refuses to approve the submitted details, the operator would be entitled to appeal to the Secretary of State under Section 78(1)(c) of the Town and Country Planning Act 1990. The operator would also be entitled to appeal to the Secretary of State if the authority failed to determine the application for approval within 8 weeks. In the event the planning authority did not respond within the 28 day time limit, the development could proceed as permitted development.

(i) Designated area

The Government does not propose to revise the present controls on Article 1(5) land, (National Parks, areas of outstanding natural beauty, conservation areas and the Broads) (paragraph A.1.(g)). It does, however, propose to apply the prior notification procedure outlined above to all development on Article 1(5) land that is permitted by Part 24 (eg the installation of a public call box) but to extend the 28 day notice requirement to 40 days in order to align it to the requirements of the code system operators' licences.

(j) Removal of equipment

The Government proposes to introduce a condition which requires the removal of any apparatus from the land or building on which it is situated within 6 months of the time when it is no longer required for telecommunications purposes. This should enable local planning authorities to have redundant towers or antennas removed in the event, for example, of a change to the telecommunications network or the business failure of a code system operator, while allowing short-term suspension of the service without the need to apply for planning permission. Such a condition would apply only to apparatus installed after the GDO changes came into effect.

ANNEX 1

The Town and Country Planning General Development Order 1988

PART 24

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

Class A

Permitted development

A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of–

(a) the installation, alteration or replacement of any telecommunication apparatus, or

(b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, including the provision of moveable structures on the land for the purposes of that use.

Development not permitted

A.1. Development is not permitted by Class A(a) if–

(a) in the case of the installation of apparatus (other than on a building or other structure) the apparatus would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) would exceed–

(i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or

(ii) 10 metres in any other case;

(d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than–

(i) 10 metres, in the case of a building or structure which is 30 metres or more in height;

(ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height;

(iii) 6 metres in any other case;

(e) in the case of the installation or replacement of any apparatus other than–

(i) a mast,

(ii) any kind of antenna,

(iii) a public call box, or

(iv) any apparatus which does not project above the level of the surface of the ground,

the ground or base area of the structure would exceed 1.5 square metres;

(f) in the case of the installation, alteration or replacement on a building or structure of a microwave antenna or apparatus which includes or is intended for the support of such an antenna–

(i) the building or other structure on which the antenna is to be installed is less than 15 metres in height;

(ii) the size of the antenna when measured in any dimension would exceed 1.3 metres (excluding any projecting feed element); or

(iii) the development would result in the presence on the building or structure of more than two microwave antennas; or

(g) in the case of development on any article 1(5) land, it would consist of—

- (i) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or
- (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency.

Conditions

A.2.—(1) Class A(a) development is permitted subject to the condition that any antenna or supporting apparatus installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(3) Development on any article 1(5) land is permitted by Class A subject to the condition that in the case of the installation of apparatus on or over land controlled by the operator, he shall—

- (a) except in a case of emergency, give notice in writing to the local planning authority not less than eight weeks before development is begun of his intention to carry out such development; or
- (b) in a case of emergency, give written notice of such installation as soon as possible after the emergency begins.

Interpretation

A.3. For the purposes of this class—

"1984 Act" means the Telecommunications Act 1984(a);

"land controlled by an operator" means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

"development in accordance with a licence" means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions relating to the application of that code imposed by the terms of his licence;

"relevant period" means a period which expires either six months from the commencement of the use permitted by this paragraph or when the need for that use ceases, whichever occurs first;

"telecommunications apparatus" means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

"the telecommunications code" means the code contained in Schedule 2 to the 1984 Act;

"telecommunications code system operator" means a person who has been granted a licence under section 7 of the 1984 Act which applies the telecommunications code to him in pursuance of section 10 of that Act;

"telecommunication system" has the meaning assigned to that term by section 4(1) of the 1984 Act.

ANNEX 2 SUMMARY OF THE KEY LICENCE REQUIREMENTS

The licence reflects the different types of telecommunications systems. Some of the key licence requirements are as follows:

(a) Fixed link

- subject to various exceptions, lines in sensitive areas must be installed underground and new poles must not be erected. Prior notice of any installation to the local planning authority is generally required and the authority's representations must be taken into account

- written notice must be given to the local planning authority of any apparatus in proximity to a Grade 1 listed building and, if the authority objects, installation may not take place without the authority of the Secretary of State for the Environment

- in areas other than sensitive areas, operators must seek to ensure, wherever possible, that new lines are installed underground and, where requested, existing lines are resited underground. They must use existing facilities (e.g. ducts), wherever possible, and have regard for the visual amenity of properties near to the apparatus.

(b) Cellular

- the two national cellular radio operators have not been given powers to place apparatus in the street; their powers are confined to the installation of masts, antennas and associated equipment on private land

- prior notice of all installations above ground must be given to the local planning authority; any reasonable conditions imposed by the authority must be observed

- for installations in sensitive areas or near to Grade 1 listed buildings, forty days' notice must be given to the local planning authority; if the authority objects, the agreement of the Secretary of State for the Environment is required

- operators must take reasonable steps to ensure that the minimum number of items of apparatus is erected, that visual amenity is protected where possible and that the sharing of masts is explored.

(c) Cable and PCN Systems

- local cable licences are drawn up in consultation with local authorities and other relevant organisations and reflect local circumstances. Generally speaking new cabling should be installed underground (with some exceptions) and sensitive areas enjoy special protection.

ANNEX 3 SUMMARY OF THE TELECOMMUNICATIONS CODE

This Annex summarises key clauses of the Telecommunications Code as per Schedule 2 to the Telecommunications Act 1984.

Para 2 gives operators the right to install apparatus on private land with the prior agreement of the occupier

Para 3 provides that operators' activities should not interfere with access to other land, without the agreement of the occupier of the other land

Para 5 enables an operator to go to the Courts to apply for a compulsory order authorising it to install its apparatus on land where prior agreement with the occupier is not forthcoming

Para 9 gives operators powers to carry out works in the street and install apparatus in, on, under or over the street (subject to the Public Utilities Street Works Act 1950)

Para 10 gives operators the right to fly lines over any land without the occupier's consent (although any termination points will require consent)

Para 15 enables water and sewerage companies to make agreements with licence holders for the placing of telecommunications apparatus within their control

Para 17 allows for objections to overhead apparatus more than 3 metres high by owners or occupiers of land affected

Para 18 requires an operator to fix a notice giving details of how and where to object to the installation of such overhead apparatus

Para 19 enables an operator to require the occupier of land to lop a tree if it overhangs the street and interferes with telecommunications apparatus

Para 20 sets out a procedure to be followed whereby an operator may be required to alter or remove apparatus in the way of development

Para 22 requires an operator to remove apparatus if it is no longer required

Para 23 provides for the procedures to be followed when a local authority, public utility or another code system operator wants to alter the apparatus of a code system operator in the course of any street works.